
HOUSE BILL 2463

State of Washington 55th Legislature 1998 Regular Session

By Representatives Sheahan, Costa and Mulliken

Read first time 01/14/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to processing fees for writs of garnishments that
2 are not writs for continuing lien on earnings; amending RCW 6.27.005,
3 6.27.095, 6.27.100, and 6.27.110; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 6.27.005 and 1997 c 296 s 1 are each amended to read
6 as follows:

7 The legislature recognizes that ~~((the employer has no~~
8 ~~responsibility in the situation leading to wage garnishment of the~~
9 ~~employee and that the employer is in fact helping the state and other~~
10 ~~businesses when the wages of employees are garnished. It is not the~~
11 ~~intent of the legislature to interfere in the employer/employee~~
12 ~~relationship. The legislature also recognizes that wage garnishment~~
13 ~~orders create an administrative burden for employers and that the state~~
14 ~~should do everything in its power to reduce or offset this burden)) a~~
15 garnishee defendant has no responsibility for the situation leading to
16 the garnishment of a debtor's wages, funds, or other property, but that
17 the garnishment process is necessary for the enforcement of obligations
18 debtors otherwise fail to honor, and that garnishment procedures
19 benefit the state and the business community as creditors. The state

1 should take whatever measures that are reasonably necessary to reduce
2 or offset the administrative burden on the garnishee defendant
3 consistent with the goal of effectively enforcing the debtor's unpaid
4 obligations.

5 **Sec. 2.** RCW 6.27.095 and 1997 c 296 s 3 are each amended to read
6 as follows:

7 (1) The garnishee of a writ for a continuing lien on earnings may
8 deduct a processing fee from the remainder of the obligor's earnings
9 after withholding the required amount under the ((garnishment order))
10 writ. The processing fee may not exceed twenty dollars for the first
11 ((disbursement. If the garnishment is a continuing lien on earnings,
12 the garnishee may deduct a processing fee of twenty dollars for the
13 first disbursement)) answer and ten dollars at the time the garnishee
14 submits the second answer.

15 (2) If the writ of garnishment is not a writ for a continuing lien
16 on earnings, the garnishee is entitled to check or money order payable
17 to the garnishee in the amount of twenty dollars at the time the writ
18 of garnishment is served on the garnishee as required under RCW
19 6.27.110(1).

20 **Sec. 3.** RCW 6.27.100 and 1997 c 296 s 2 are each amended to read
21 as follows:

22 The writ shall be substantially in the following form: PROVIDED,
23 That if the writ is issued under a court order or judgment for child
24 support, the following statement shall appear conspicuously in the
25 caption: "This garnishment is based on a judgment or court order for
26 child support": AND PROVIDED FURTHER, That if the garnishment is for
27 a continuing lien, the form shall be modified as provided in RCW
28 6.27.340: AND PROVIDED FURTHER, That if the writ is not directed to an
29 employer for the purpose of garnishing a defendant's earnings, the
30 paragraph relating to the earnings exemption may be omitted and the
31 paragraph relating to the deduction of processing fees may be omitted:

"IN THE SUPERIOR COURT
 OF THE STATE OF WASHINGTON IN AND FOR
 THE COUNTY OF

4 ,
 5 Plaintiff, No.
 6 vs.
 7 ,
 8 Defendant WRIT OF
 9 GARNISHMENT
 10 ,
 11 Garnishee

12 THE STATE OF WASHINGTON TO:
 13 Garnishee
 14

15 AND TO:
 16 Defendant

17 The above-named plaintiff has applied for a writ of garnishment
 18 against you, claiming that the above-named defendant is indebted to
 19 plaintiff and that the amount to be held to satisfy that indebtedness
 20 is \$, consisting of:

21	Balance on Judgment or Amount of Claim	\$
22	Interest under Judgment from to	\$
23	Taxable Costs and Attorneys' Fees	\$
24	Estimated Garnishment Costs:	
25	Filing Fee	\$
26	Service and Affidavit Fees	\$
27	Postage and Costs of Certified Mail	\$
28	<u>Answer Fee or Fees (If applicable)</u>	<u>\$</u>
29	Garnishment Attorney Fee	\$
30	<u>Other</u>	<u>\$</u>

31 ~~((YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE~~
 32 ~~EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THE GARNISHMENT ORDER. THE~~
 33 ~~PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST DISBURSEMENT~~
 34 ~~MADE. IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY~~
 35 ~~DEDUCT A PROCESSING FEE OF TWENTY DOLLARS AT THE TIME YOU REMIT THE~~
 36 ~~FIRST DISBURSEMENT AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND~~
 37 ~~ANSWER.))~~

1 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or
2 by this writ, not to pay any debt, whether earnings subject to this
3 garnishment or any other debt, owed to the defendant at the time this
4 writ was served and not to deliver, sell, or transfer, or recognize any
5 sale or transfer of, any personal property or effects of the defendant
6 in your possession or control at the time when this writ was served.
7 Any such payment, delivery, sale, or transfer is void to the extent
8 necessary to satisfy the plaintiff's claim and costs for this writ with
9 interest.

10 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
11 attached form according to the instructions in this writ and in the
12 answer forms and, within twenty days after the service of the writ upon
13 you, to mail or deliver the original of such answer to the court, one
14 copy to the plaintiff or the plaintiff's attorney, and one copy to the
15 defendant, in the envelopes provided.

16 If, at the time this writ was served, you owed the defendant any
17 earnings (that is, wages, salary, commission, bonus, or other
18 compensation for personal services or any periodic payments pursuant to
19 a pension or retirement program), the defendant is entitled to receive
20 amounts that are exempt from garnishment under federal and state law.
21 You must pay the exempt amounts to the defendant on the day you would
22 customarily pay the compensation or other periodic payment. As more
23 fully explained in the answer, the basic exempt amount is the greater
24 of seventy-five percent of disposable earnings or a minimum amount
25 determined by reference to the employee's pay period, to be calculated
26 as provided in the answer. However, if this writ carries a statement
27 in the heading that "This garnishment is based on a judgment or court
28 order for child support," the basic exempt amount is forty percent of
29 disposable earnings.

30 IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT
31 A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER
32 WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY
33 DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE
34 SECOND ANSWER.

35 If you owe the defendant a debt payable in money in excess of the
36 amount set forth in the first paragraph of this writ, hold only the
37 amount set forth in the first paragraph and any processing fee if one
38 is charged and release all additional funds or property to defendant.

1 YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A
2 JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE
3 PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND
4 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT.

5 Witness, the Honorable, Judge of the Superior
6 Court, and the seal thereof, this day of, 19. . .

7 [Seal]

8
9 Attorney for Clerk of
10 Plaintiff (or Superior
11 Plaintiff, Court
12 if no attorney)
13
14 Address By
15
16 Address"

17 **Sec. 4.** RCW 6.27.110 and 1997 c 296 s 4 are each amended to read
18 as follows:

19 (1) Service of the writ of garnishment on the garnishee is invalid
20 unless the writ is served together with: (a) Four answer forms as
21 prescribed in RCW 6.27.190; (~~and~~) (b) three stamped envelopes
22 addressed respectively to the clerk of the court issuing the writ, the
23 attorney for the plaintiff (or to the plaintiff if the plaintiff has no
24 attorney), and the defendant; and (c) check or money order made payable
25 to the garnishee in the amount of twenty dollars for the answer fee if
26 the writ of garnishment is not a writ for a continuing lien on
27 earnings.

28 (2) Except as provided in RCW 6.27.080 for service on a bank,
29 savings and loan association, or credit union, the writ of garnishment
30 shall be mailed to the garnishee by certified mail, return receipt
31 requested, addressed in the same manner as a summons in a civil action,
32 and will be binding upon the garnishee on the day set forth on the
33 return receipt. In the alternative, the writ shall be served by the
34 sheriff of the county in which the garnishee lives or has its place of
35 business or by any person qualified to serve process in the same manner
36 as a summons in a civil action is served.

1 (3) If a writ of garnishment is served by a sheriff, the sheriff
2 shall file with the clerk of the court that issued the writ a signed
3 return showing the time, place, and manner of service and that the writ
4 was accompanied by answer forms, addressed envelopes, and check or
5 money order if required by this section, and noting thereon fees for
6 making the service. If service is made by any person other than a
7 sheriff, such person shall file an affidavit including the same
8 information and showing qualifications to make such service. If a writ
9 of garnishment is served by mail, the person making the mailing shall
10 file an affidavit showing the time, place, and manner of mailing and
11 that the writ was accompanied by answer forms and addressed envelopes,
12 and check or money order if required by this section, and shall attach
13 the return receipt to the affidavit.

14 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

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